

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

NEREIDA CINTRON,

Plaintiff,

Case No. 3:21-cv-937-MMH-JBT

vs.

CREDIT CONTROL SERVICES,
INC. d/b/a CREDIT COLLECTION
SERVICES,

Defendant.

_____ /

ORDER

THIS CAUSE is before the Court on Defendant Credit Control Services, Inc.'s Notice of Constitutional Challenge (Doc. 6; Notice), filed on September 23, 2021. Pursuant to Rule 5.1(a)(1), Federal Rules of Civil Procedure (Rule(s)), Defendant provides notice that it has filed a pleading which calls into question the constitutionality of 15 U.S.C. § 1692c(b). Specifically, in the Answer with Affirmative Defenses to Plaintiff's Complaint by Defendant, Credit Control Services, Inc. (Doc. 5; Answer), Defendant raises the following constitutional challenges:

To the extent that 15 U.S.C. § 1692c(b) does not permit debt collectors to use print-and-mail vendors, that prior restraint on speech serves no legitimate or compelling governmental interest;

therefore, the prohibition violates the First Amendment, U.S. Const. Amend. I.

If the FDCPA permits a debt collector to use Western Union to transmit correspondence to a consumer but not to use a print-and-mail vendor to perform the same service, then 15 U.S.C. § 1692c(b) is void for vagueness in violation of the Fifth Amendment, U.S. Const. amend. V.

See Answer at 14-15 (Seventeenth and Eighteenth Affirmative Defense). Accordingly, pursuant to Rule 5.1(b) and 28 U.S.C. § 2403(a), the Court **certifies** that a challenge to the constitutionality of 15 U.S.C. § 1692c(b) is at issue in this case and **directs** the Clerk of the Court to provide a copy of this certification to the Attorney General of the United States. Pursuant to Rule 5.1(c), the Attorney General shall have up to and including **November 22, 2021**, to intervene in this action.

DONE AND ORDERED in Jacksonville, Florida, this 27th day of September, 2021.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record

The Honorable Merrick Garland
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